IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 13193 of 2005(U)

PETITIONER:

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1. NITHUN M., VITH SEMESTER ELECTRICAL ENGINEERING, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

2. SWETHA SARA THOMAS, VITH SEMESTER INFORMATION TECHNOLOGY CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

3. LUBINA, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI PERUNAD, PATHANAMTHITTA DISTRICT.

4. REMYA R., VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

5. SRUTHI RAJ, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

6. MAHIMA C.MATHEW, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

7. BEENA G., VITH SEMESTER INFORMATION TECHNOLOGY, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

8. ROOPA D. JAYA, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

9. SINI S., VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

10. NISHA MOL, VITH SEMESTER INFORMATION TECHNOLOGY CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

11. MATHEW ROY, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

12. SHAM OOMMEN PHILIP, VITH SEMESTER COMPUTER SCIENCE, CARMEL ENGINEERING COLLEGE RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

13. SYAM SANKAR S.P., VITH SEMESTER ELECTRICAL, CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT

14. ASISH V., VITH SEMESTER INFORMATION TECHNOLOGY CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT

15. BONY S., VITH SEMESTER INFORMATION TECHNOLOGY CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

16. SABARISH R.J., VITH SEMESTER COMPUTER SCIENCE CARMEL ENGINEERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

17. BLESSON M.MATHEW, VITH SEMESTER ELECTRICAL, CARMEL ENGINENERING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

18. AKHIL P.V., VITH SEMESTER ELECTRICAL CARMEL ENGINEEING COLLEGE, RANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

19. BEENA BALAN, 6TH SEMESTER COMPUTER SCIENCE, DO. DO.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. THE MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM, REPRESENTED BY ITS REGISTRAR.

2. THE VICE CHANCELLOR, MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM.

3. THE CONTROLLER OF EXAMINATIONA, MAHATMA GANDHI UNIVERSITY PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM.

4. THE PRINCIPAL, CARMEL ENGINEERING

COLLEGE, KANNI, PERUNAD, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/12/2006, ALONG WITH WPC 13198,13743 & 14233 OF 2005 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE UNIVERSITY ORDER NO. AC. AIV/1/1164/B/2004 P.D. HILLS DATED 7.8.2004

EXT.P2 TRUE COPY OF THE INTERIM ORDER IN WRIT PETITION C. NO. 28323/04 DATED 28.9.2004 OF THIS HON'BLE COURT.

EXT.P3 TRUE COPY OF THE JUDGMENT IN WPC 28907 OF 2004 OF THIS HON'BLE COURT.

EXT.P4 TRUE COPY OF THE U.O.NO. A.C. A. IV/1/2025/B.TECH BOS/2004 DATED 4.11.2004 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT.P5 TRUE COPY OF THE NEWSPAPER NOTIFICATION DATED 1.4.2004 IN MALAYALA MANORAMA DAILY

EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 11.4.2005 SUBMITTED BY THE PETITIONERS TO THE RESPONDENTS 2 AND 3 THROUGH THE PRINCIPAL.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NOS.13193,13198,13743
& 14233 OF 2006

Dated this the 13th day of December, 2006

JUDGMENT

Heard counsel for the petitioners and standing counsel for the University. Petitioners were not allowed to write Sixth Semester Engineering Examinations by the M.G. University for the reason that they have not passed first and second semester examinations in all subjects, which is a requirement under the University B.Tech. Regulations to entitle a student to write Sixth Semester examinations. However, since petitioners had either applied for revaluation in some of the subjects of first and second semester examinations or wrote supplementary examinations, results of which were expected, this Court issued interim orders directing the Controller of Examinations to permit the petitioners to write Sixth Semester examinations. Standing counsel for the University submitted that those who have passed first and second semester examinations either through revaluation of answer books or in supplementary examinations before the date of

commencement of Sixth Semester examinations, are entitled to have their results published . However results are not published because of interim orders of this Court to withhold results.

2. Petitioners are challenging University B.Tech Regulation pertaining to examinations, which is as follows:

> A student who has cleared all the papers in the I & 2 semester examinations can register for the University examinations upto and including the 6th semester. Such a student can simultaneously register for the 5th and 6th semester examinations. A student who has cleared all the papers upto the 4th semester can simultaneously register for the 7th and 8th semester examinations.

The provision that applies to the petitioners is the first part of the above provision which says that a B.Tech student is entitled to write sixth semester examinations only if he has passed all examinations in first and second semesters. The only case of the petitioners is that they are allowed to continue the course in subsequent semesters even if they had not passed in first and second semester examinations in full, and therefore they should be allowed to write sixth semester examinations. The fact that petitioners are entitled to complete the course does not by

itself give rise to a right to write examinations the way they want. I do not find anything wrong in the above provision because the principle behind it is that a student should systematically pass examinations from first semester onwards and unless he passes all the examinations in the first and second semesters, he will not be allowed to write sixth semester examinations. I do not find anything arbitrary or irrational in the above provision which appears to be quite sound. If petitioners are allowed to complete the course, they are free to complete the course and write examinations conveniently. However, since I do not find anything illegal or wrong with the University Regulation which provides for systematic passing of examinations, there is no justification to interfere with the above regulation. However, so far as withheld results are concerned, I feel those who have passed first and second semester examinations in revaluation or in supplementary examinations written prior to their writing sixth semester examinations under interim orders of this Court, are entitled to have their results published. University is directed to publish the results of those who have applied for revaluation and who have written first and second

semester examinations prior to writing of sixth semester examinations and those who have passed in all subjects in first and second semester examinations in such revaluation or supplementary examinations . So far as others are concerned, University will cancel the examinations leaving it open to them to write sixth semester examinations after passing of all the subjects in the first and second semesters.

W.Ps. are disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge